

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RICKEY ELLIOTT, #782541 §
VS. § CIVIL ACTION NO. 6:11cv349
BARBARA SUE MILLER §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the motion to dismiss (docket entry #12) is **GRANTED**. It is further
ORDERED that the complaint is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1).

All motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 20th day of October, 2011.



**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**